

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CRIM. NO. 22-CR-124(2) (NEB/TNL)

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|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | SECOND MOTION TO MODIFY |
| |) | CONDITIONS OF RELEASE |
| Mohamed Jama Ismail, |) | |
| |) | |
| Defendant. |) | |

Introduction

Counsel for Mohamed Jama Ismail respectfully moves the Court for an Order modifying his conditions of release. The current order requires him to participate in and abide by a home curfew, and further requires he be subject to GPS monitoring. Mr. Ismail, for the reasons below, requests the conditions be modified to remove both home curfew and GPS monitoring conditions.

Counsel for Mr. Ismail conferred with Mr. Ismail's supervising pretrial officer, Houa Vang, who represented her view was the request was appropriate and she fully supports this request. Counsel for Mr. Ismail also conferred with counsel for the government, who represented the government does not object to removal of home curfew condition, but does object to removal of the GPS monitoring condition.

Proposed Modification

Mr. Ismail respectfully requests that the home curfew condition - Condition 7(p)(i) be stricken. Mr. Ismail also request a modification that the GPS condition –

Condition 7(q)(iii) be stricken.

Basis for Request

Mr. Ismail respectfully submits this request is appropriate for multiple reasons.

First, he has been released subject to conditions for about 11 months, and he has been in full compliance with his conditions of release. He is, and always has been, extraordinarily communicative with Counsel and with Pretrial Services. The Court does not need to be concerned if the proposed modification is granted, as Mr. Ismail presents no risk of flight nor danger to the public.

Second, Mr. Ismail served his sentence and has been successfully discharged from supervised release regarding tandem case 22-CR-85. (See attached Notice of Discharge). Mr. Ismail anticipates the government will respond to this motion in objection to removal of GPS monitoring by regurgitating issues identified in that case, for which, Mr. Ismail accepted responsibility, dutifully served his sentence and has been successfully discharged. The proof is in the pudding, Mr. Ismail has earned the further latitude that is fully supported by his supervising pre-trial services officer.

Third, Mr. Ismail further respectfully submits that the existing conditions put too great a strain on his personal affairs given the requirement he obtain approval for any matter that would require him to leave his residence. It continues to be essentially unworkable for him to manage his households' daily affairs given the requirement that all outside-of-the-house activities need to be approved in advance by Ms. Vang.

Fourth, Mr. Ismail respectfully submits this modification is appropriate to avoid

unwarranted disparities between himself and his very similarly situated co-defendants.

Lastly, Mr Ismail respectfully submits this modification is appropriate because this matter is still months away from trial.

Accordingly, Mr. Ismail brings this motion.

Conclusion

Given the above facts, and that Ms. Vang and the government do not oppose the motion to strike the home curfew condition Mr. Ismail moves the court to Order this condition stricken. Further, given pretrial services full support of striking the GPS monitoring condition, Mr. Ismail's successful discharge from supervised release, his stellar performance on supervised release for the last 11 months, and the continued delay in proceeding to trial, Mr. Ismail respectfully requests the Court issue an Order striking the GPS monitoring condition.

Respectfully submitted,

SIEBEN & COTTER, PLLC

Dated: 12/6/2023

/s/ Patrick L. Cotter

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DISTRICT OF MINNESOTA

NOTICE OF DISCHARGE

| | |
|------------------|--|
| NAME | Mohamed Jama Ismail |
| DOCKET | 0864 0:22CR00085-001 |
| OFFENSE | Use of a Passport Secured by False Statement |
| SENTENCE DATE | November 9, 2022 |
| SENTENCE IMPOSED | Custody of the BOP for 7 months; 1 years supervised release; |
| DISCHARGE DATE | November 17, 2023 |

Mohamed Jama Ismail, you have completed your term of supervision on the date shown above. You are hereby discharged from the supervision of the United States Probation and Pretrial Services Office and are no longer subject to the conditions of supervision.

FIREARMS NOTE: The Federal Firearms Act prohibits persons convicted of a felony from receiving; transporting; purchasing; or possessing firearms, ammunition, or explosives. Persons convicted of federal offenses seeking relief of federal firearms disabilities must apply for Presidential Pardon via the Pardon Attorney's Office of the Department of Justice in Washington, D.C. Call 202-616-6070 for more information on the necessary procedures. Information regarding this process can also be found at www.atf.gov and www.justice.gov/pardon.

November 17, 2023

Date

s/ Rebecca Biermann

Rebecca Biermann

Senior U.S. Probation Officer